

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DON E. DENNIS**

**PLAINTIFF**

v.

**No. 4:04CV247-P-B**

**USDA-ARS**

**DEFENDANTS**

**ORDER DENYING PLAINTIFF'S MOTION  
FOR RELIEF FROM JUDGMENT OR ORDER**

This matter comes before the court on the plaintiff's September 23 and September 27, 2005, motions for reconsideration of the court's September 20, 2005, and order denying the plaintiff's motion to proceed *in forma pauperis* on appeal, which the court interprets, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion for relief from a judgment or order under FED. R. CIV. P. 60. An order granting relief under Rule 60 must be based upon: (1) clerical mistakes, (2) mistake, inadvertence, surprise, or excusable neglect, (3) newly discovered evidence, (4) fraud or other misconduct of an adverse party, (5) a void judgment, or (6) any other reason justifying relief from the operation of the order. The court finds the plaintiff has neither asserted nor proven any of the specific justifications for relief from an order permitted under Rule 60; the court finds further that the plaintiff has not presented "any other reason justifying relief from the operation" of the judgment. As such, the plaintiff's requests for reconsideration filed September 23, 2005, and September 27, 2005 are **DENIED**

**SO ORDERED**, this the 5<sup>th</sup> day of January, 2006.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE